

Misbranding was alleged for the reason that the statement, "Pitted Sour Cherries in Juice," was false and misleading and deceived or misled the purchaser. Misbranding was alleged for the further reason that the article was [food] in package form and the quantity of the contents was [not] plainly and conspicuously marked on the outside of the package.

On January 9, 1924, Mikesell & Co., Traverse City, Mich., having filed an answer to the libel, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

HOWARD M. GORE, *Secretary of Agriculture.*

12465. Adulteration and misbranding of vinegar. U. S. v. Hewlett Bros. Co., a Corporation. Plea of guilty. Fine, \$50. (F. & D. No. 18347. I. S. Nos. 11533-v, 11534-v.)

On May 17, 1924, the United States attorney for the District of Utah, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district an information against Hewlett Bros. Co., a corporation, Salt Lake City, Utah, alleging shipment by said company, in violation of the food and drugs act, on or about December 5, 1922, from the State of Utah into the State of Idaho, of quantities of vinegar which was adulterated and misbranded. The article was labeled in part: (Bottle) "Hewlett's Supreme Distilled Pure Malt Vinegar * * * Hewlett Bros. Co. Salt Lake City Utah."

Analyses of samples of the article by the Bureau of Chemistry of this department showed that one portion of the product was uncolored distilled vinegar and that the other portion was distilled vinegar colored with caramel.

Adulteration was alleged with respect to a portion of the article for the reason that an artificially-colored distilled vinegar had been substituted for distilled pure-malt vinegar, which the article purported to be, and for the further reason that the article was a product inferior to distilled pure-malt vinegar, to wit, a distilled vinegar artificially colored with caramel so as to simulate the appearance of distilled pure-malt vinegar in a manner whereby its inferiority to said distilled pure-malt vinegar was concealed.

Adulteration was alleged with respect to the remainder of the article for the reason that a distilled vinegar had been substituted for distilled pure-malt vinegar, which the said article purported to be.

Misbranding was alleged with respect to all of the product for the reason that the statement, to wit, "Distilled Pure Malt Vinegar," borne on the labels attached to the bottles containing the article, regarding the said article and the ingredients and substances contained therein, was false and misleading in that it represented that the article was distilled pure-malt vinegar, and for the further reason that the product was labeled as aforesaid so as to deceive and mislead the purchaser into the belief that it was distilled pure-malt vinegar, whereas, in truth and in fact, it was not distilled pure-malt vinegar, but was distilled vinegar, a portion of which was artificially colored. Misbranding was alleged for the further reason that the article was an imitation of and was offered for sale and sold under the distinctive name of another article, to wit, distilled pure-malt vinegar.

On May 21, 1924, a plea of guilty to the information was entered on behalf of the defendant company, and the court imposed a fine of \$50.

HOWARD M. GORE, *Secretary of Agriculture.*

12466. Adulteration and misbranding of vinegar. U. S. v. National Tea Importing Co., a Corporation. Plea of guilty. Fine, \$50. (F. & D. No. 18348. I. S. No. 11535-v.)

On May 21, 1924, the United States attorney for the District of Utah, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district an information against the National Tea Importing Co., a corporation, Salt Lake City, Utah, alleging shipment by said company, in violation of the food and drugs act, on or about March 20, 1923, from the State of Utah into the State of Idaho, of a quantity of vinegar which was adulterated and misbranded. The article was labeled in part: (Bottle) "20 Ozs. Shamrock Brand 50 Grain Malt Vinegar Colored Packed by National Tea Importing Co. Salt Lake, Utah."

Analysis of a sample of the article by the Bureau of Chemistry of this department showed that it consisted of distilled vinegar colored with caramel.